

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
JOSEF VOLMAN,	:	
	:	
Plaintiff,	:	
	:	22-CV-5063 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
AOI KITCHEN LLC d/b/a AOI KITCHEN, et	:	
al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action against Defendants AOI Kitchen LLC d/b/a AOI Kitchen (“AOI”) and 320-326 RO Village Realty LLC (“RO Village Realty”) on June 16, 2022. (Doc. 1.) Plaintiff filed affidavits of service on September 14, 2022. (Docs. 10, 11.) The deadline for Defendants to respond to Plaintiff’s complaint was July 27, 2022. (*See* Docs. 10, 11.) Defendant AOI answered on September 8, 2022, (Doc. 9), but to date, Defendant RO Village Realty has not appeared or responded to the complaint. On September 19, 2022, I directed Plaintiff to seek default judgment against Defendant RO Village Realty by no later than September 26, 2022. (Doc. 12.) I warned, “If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff’s claims against Defendant RO Village Realty for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*) To date, Defendant RO Village Realty has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff’s claims against Defendant RO Village Realty are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate Defendant RO Village Realty from this action.

SO ORDERED.

Dated: September 27, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

VERNON S. BRODERICK  
United States District Judge